

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD IDEN,

Plaintiff

Case No. 3:20-cv-00152-MMD-CLB

ORDER

v.

DAVIS, et al.,

Defendants

I. DISCUSSION

Plaintiff was required to pay a filing fee or submit a complete application to proceed *in forma pauperis* when he filed his complaint in this action, but he failed to do so. (ECF No. 1.) On May 18, 2020, this Court dismissed Plaintiff's civil rights complaint in its entirety without prejudice based on Plaintiff's failure to file a complete application to proceed *in forma pauperis*, including the required financial documents, or pay the full filing fee by the May 8, 2020 deadline set by the Court. (ECF Nos. 3, 4, 5). The Court's prior order warned Plaintiff that if he did not file an application to proceed *in forma pauperis* or pay the full filing fee by May 8, 2020, the Court would dismiss the action. (ECF No. 3). The Court dismissed the case on May 18, 2020 because Plaintiff failed to timely file an application to proceed *in forma pauperis*, pay the full filing fee, or even respond to the Court's order.

On May 19, 2020, after the Court's entry of the dismissal order and judgment, Plaintiff filed an application to proceed *in forma pauperis* with a "notice of compliance"¹ with the Court's order to file a complete application to proceed *in forma pauperis*. (ECF No. 6, 6-1). The application to proceed *in forma pauperis* is denied as moot because

¹ Although the financial certificate and account statement are dated prior to the Court's deadline for filing a complete application to proceed *in forma pauperis*, the application to proceed *in forma pauperis* and the notice purporting to comply with the Court order are both dated *ten days after the deadline* and the documents were not filed until after dismissal of this action and entry of judgment. There very clearly was *not* compliance with the Court's order.

1 judgment already has been entered in this case and the case is closed.²

2 This case was dismissed without prejudice. If Plaintiff wishes to pursue his claims,
3 he must file a complaint in a new case and he must comply with the rules that require him
4 at the time he brings the case to not only file his complaint but also at the same time to
5 either pay the complete filing fee or file a complete application to proceed *in forma*
6 *pauperis*, including the required financial documents.

7 **II. CONCLUSION**

8 For the foregoing reasons, the application to proceed *in forma pauperis* (ECF No.
9 6) is denied as moot.

10 The Clerk of the Court is directed **not** to file any other documents in this closed
11 case.

12 DATED: January 15, 2021.

13 
14 UNITED STATES MAGISTRATE JUDGE
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26 ² Plaintiff did not file a motion for an extension of time to file an application to
27 proceed *in forma pauperis* attempting to provide an excuse for why he filed his application
28 after the deadline and after the Court dismissed this action and entered judgment. See Nevada Local Rule of Practice IA 6-1(a) (providing that a request for an extension of time made after the expiration of the specified period "will not be granted unless the movant or attorney demonstrates that the failure to file the motion before the deadline expired was the result of *excusable* neglect.")